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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2011-120**

11 **JERI JOY CRESSY, AKA JERI JOI**
12 **THOMAS, AKA JERI JOI MADLAND**
13 **322 Via San Sebastian**
Redondo Beach, CA 90277

A C C U S A T I O N

14 **Registered Nurse License No. 421892**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 **License History**

23 2. On or about February 29, 1988, the Board of Registered Nursing issued Registered
24 Nurse License Number 421892 to Jeri Joy Cressy aka Jeri Joi Thomas aka Jeri Joi Madland
25 ("Respondent"). The license was in full force and effect at all times relevant to the charges
26 brought herein and will expire on April 30, 2011, unless renewed.

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1- **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code), unless otherwise indicated.

5 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
6 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
7 in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

8 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
9 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
10 to render a decision imposing discipline on the license.

11 6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,
12 or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
13 disciplinary action during the period within which the license may be renewed, restored, reissued
14 or reinstated.

15 **STATUTORY PROVISIONS**

16 7. Code section 2761 states, in pertinent part:

17 The board may take disciplinary action against a certified or licensed
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, . . .

20 * * *

21 (d) Violating or attempting to violate, directly or indirectly, or assisting
22 in or abetting the violating of, or conspiring to violate any provision or term of
23 this chapter or regulations adopted pursuant to it.

24 8. Code section 2762 states, in pertinent part:

25 In addition to other acts constituting unprofessional conduct within the
26 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
27 for a person licensed under this chapter to do any of the following:

28 (a) Obtain or possess in violation of law, or prescribe, or except as
directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance
as defined in Division 10 (commencing with Section 11000) of the Health and
Safety Code or any dangerous drug or dangerous device as defined in Section
4022.

9. Code section 4060 states, in pertinent part: "No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife . . . , a nurse practitioner . . . , or a physician assistant, or a pharmacist. . . ."

10. Code section 4324, subdivision (a), states:

Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

11. Health and Safety Code Section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

12. Health and Safety Code Section 11175 makes it unlawful for any person to obtain or possess a prescription that does not comply with this division (the Uniform Controlled Substances Act, Health and Safety Code, §11000, et seq.), or obtain a controlled substance by means of a prescription which does not comply with this division.

COST RECOVERY

13. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

14. **“Ciprofloxacin”** is an antibiotic and a fluoroquinolone used to treat bacterial infections, and requires a lawful prescription.

15. **“Diflucan” (generic - “Fluconazole”)** is a widely used synthetic triazole antifungal agent, is indicated for the treatment of vaginal yeast infections, esophageal candidiasis, urinary tract infections, peritonitis, and systemic candida infections, and requires a lawful prescription.

16. "Yaz" is a low-estrogen birth control pill used to prevent pregnancy, for which a

1 lawful prescription is required.

2 **BACKGROUND**

3 17. Between July 16, 2007 and November 10, 2008, Respondent was employed as a
4 nurse in the Emergency Department of Torrance Memorial Medical Center (TMMC), in
5 Torrance, California. On or about August 18, 2008, Respondent's daughter, A.S., was seen in the
6 Emergency Department of TMMC, complaining of severe abdominal pain and vaginal itching.
7 Dr. Elisa Anhalt performed a pelvic examination on A.S. and wrote her a prescription for
8 Ciprofloxacin, an antibiotic used to treat bacterial infections. The next day, Respondent stated
9 that A.S. had a yeast infection. Since Ciprofloxacin can cause yeast infections, Dr. Anhalt wrote
10 a second prescription for A.S. for one pill of Diflucan.

11 18. On or about November 6, 2008, Walgreens Pharmacy called TMMC to verify a
12 prescription for Yaz birth controls for A.S. and, upon request, Walgreens Pharmacy faxed the
13 prescription signed by Dr. Anhalt to TMMC. The hospital's computer chart and scanned chart
14 indicated that this prescription was originally written by Dr. Anhalt on August 18, 2008 for
15 Ciprofloxacin. Dr. Anhalt denied that the writing on the prescription for Diflucan and Yaz was
16 hers, and stated the date was added and the prescription was an alteration of her original
17 prescription. Dr. Anhalt thus requested that the prescription not be filled.

18 19. On November 10, 2008, Respondent admitted to employees of TMMC that she had
19 altered Dr. Anhalt's original prescription for A.S., and she was terminated from her position at
20 TMMC, for failing to adhere to TMMC's Standards of Conduct, for practicing outside the scope
21 of her practice as a registered nurse, and for forging Dr. Anhalt's prescription.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct – Unlawful Prescription of a Controlled Substance)**

24 20. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)
25 and (d), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision
26 (a), in that while employed as a registered nurse at TMMC, Respondent committed the following
27 acts:
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1 a. On or about November 6, 2008, Respondent attempted to obtain Diflucan and
2 Yaz birth control pills for her daughter, A.S., by fraud, deceit, misrepresentation or subterfuge, or
3 by concealment of material fact, in that Respondent altered a prescription originally written by
4 Dr. Anhalt, without her knowledge or consent, and Respondent's daughter A.S. submitted the
5 altered prescription to Walgreen's Pharmacy, in violation of Health and Safety Code section
6 11173, subdivision (a).

7 b. On or about November 10, 2008, Respondent admitted to employees of TMMC
8 that she had altered the original prescription by Dr. Anhalt for A.S., without lawful authority.
9 Complainant also refers to and incorporates the allegations contained in Paragraphs 17 through 19
10 above, as though set forth fully.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Attempt to Obtain Controlled Substances by Fraud or Deceit)**

13 21. Respondent is subject to disciplinary action pursuant to Code section 2761,
14 subdivisions (d) in that, on or about November 6, 2008, Respondent attempted to obtain the
15 controlled substance Yaz for her daughter, A.S., by fraud, deceit, misrepresentation, or
16 subterfuge, in violation of Code sections 2761, subdivision (a), 2762, subdivision (a), 4060, 4324,
17 subdivision (a), and Health and Safety Code sections 11173, subdivision (a) and 11175, as set
18 forth in Paragraphs 17 through 20 and incorporated by reference in full here.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 421892 issued to Jeri Joy
23 Cressy aka Jeri Joi Thomas aka Jeri Joi Madland.

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1 2. Ordering Jeri Joy Cressy aka Jeri Joi Thomas aka Jeri Joi Madland to pay the Board
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section
3 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 8/16/10 Stacie Benner
6 *for* LOUISE R. BAILEY, M.Ed., RN
7 Interim Executive Officer
8 Board of Registered Nursing
9 Department of Consumer Affairs
10 State of California
11 *Complainant*
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